

FREDERICK COUNTY LIQUOR BOARD
Public Meeting Minutes
Monday, October 19, 2009

Those Present: Mr. James E. McClellan, Chairman
Mr. Robert C. Snyder, Board Member
Mr. Charles R. Cline, Board Member
Mrs. Linda B. Thall, Sr. Assistant County Attorney
Mr. Harold C. DeLauter, Alcoholic Bev. Inspector
Ms. Kathy L. Vahle, Administrator
Mrs. Sandra Rees, Administrative Specialist IV

A Public Meeting was held at 12 E. Church Street, Frederick, Maryland, and was called to order at 8:30 am by Chairman McClellan.

1. **Classic Cigars & British Goodies** – Ms. Vahle stated that this establishment requested the Board's support of legislation to allow it to sell beer and wine to go until 2AM. The Board chose not to take a position on the legislation.
2. **Crestwood Liquors** – This establishment did not have a work schedule on the premises when the Liquor Inspector asked for it. The Board requested a violation hearing be set.
3. **Tajitu** – One of the licensees appears to have changed her address at renewal time without notifying the Board. The Board will address this with the licensee when she comes in for today's Violation Hearing.
4. **Buffalo Wild Wings** – They are giving away free food and prizes without permission from the Board. The Board requested a violation hearing be set.
5. **PB Dye** – The Liquor Inspector stated that he attempted to obtain information from this establishment and that an employee was not cooperative. Subsequently someone did call in and gave him the information. The Board requested a violation hearing be set.
6. **Violation Histories** – Ms. Vahle prepared background information for the Board in connection with the violation hearings scheduled for today.

7. **Urbana Liquors** – This establishment changed ownership without reporting this to the Board within ten days. The reason was that the individuals on the license at one time or another were traveling out of the country at the time of the change. The Board will accept the letter sent by Seymour Stern, Attorney for this establishment, and send a warning letter.
8. **Proposal for the License Fee Increases** – Ms. Vahle sent this proposal to the County Commissioners for the Public Hearing. The Board discussed whether this was voted on.

MOTION ONE: Mr. Cline made a motion to delay the increase in fees until 1 year from now.

There was no second.

FURTHER DISCUSSION

ON THE MOTION: The Board decided to wait until after the Violation Hearings to continue the discussion of the increase in fees.

9. Decision Required: Violation

RE: James Miller & Dennis Watson, Jr
for the use of Miller's Ice & Beverage,
Corp
t/a **Miller's Ice & Beverage**
300 N East Street
Frederick, Maryland 21701
Class A, Off Sale, Beer & Light Wine
Sunday Permit
License Number 11AW 1193 SU
FCLB Case Number: 3625

These licensees were charged with the Late Pick up of Renewal but did not respond to the no contest letter or appear for the hearing. The Board will schedule a violation hearing be set with an added charge.

MOTION ONE: Mr. Snyder made a motion for a violation hearing to be set and to add the charge of failing to appear.

SECOND: Mr. Cline seconded the motion.

FURTHER DISCUSSION

ON THE MOTION: There was no further discussion on the motion.

VOTE: Mr. Snyder – Aye
Mr. Cline - Aye
Mr. McClellan – Aye

The vote was unanimous. **Aye – 3 Nay – 0**
(Motion Passed)

10. Decision Required: Violation

RE: Hyung P. Kim, Ki N. Kim
& Dawn J. Page
for the use of HKI Kim, Inc
t/a **Miyako Steak & Seafood**
1005 W Patrick Street
Frederick, Maryland 21702
Class B, On Sale, Beer, Wine & Liquor
License Number 11BL 1148
FCLB Case Number: 3550

The Board called the violation hearing for Refilling Bottles,
Tampering
with Bottles and Not Keeping Proper Records, but the licensees
failed to
appear.

MOTION ONE: Mr. Snyder made a motion not to wait and
issue a Failure to Appear violation in addition
to the other violations.

SECOND: Mr. Cline seconded the motion.

FURTHER DISCUSSION

ON THE MOTION: There was no further discussion on the motion.

VOTE: Mr. Snyder – Aye
Mr. Cline - Aye
Mr. McClellan – Aye

The vote was unanimous. **Aye – 3 Nay – 0**
(Motion Passed)

11. Decision Required: Violation

RE: Hyung P. Kim, Ki N. Kim

& Dawn J. Page
for the use of HKI Kim, Inc
t/a **Miyako Steak & Seafood**
1005 W Patrick Street
Frederick, Maryland 21702
Class B, On Sale, Beer, Wine & Liquor
License Number 11BL 1148
FCLB Case Number: 3550

The licensees arrived for the hearing and the Board reconsidered the above motion. The Board then held a violation hearing for Refilling Bottles, Tampering with Bottles and Not Keeping Proper Records. Mrs. Thall swore in the licensees (See attached Sign In Sheet). The licensees pled guilty to all charges. Chris May, Attorney for the licensees, stated that the licensees should have been aware of the law and that the violations were not intentional. Ms. Page went to both establishments to check that there were no more empty bottles and invoices would be available.

MOTION ONE: Mr. Snyder made a motion for a finding of guilty on all charges and the fine for the charge #1 Refilling Bottles \$100, #2 Tampering with Bottles \$100, #3 Not Keeping Proper Records \$200. \$200 would be suspended so the total fine due would be \$200.

The motion was not seconded.

MOTION TWO: Mr. Cline made a motion for a finding of guilty on all charges with a total of \$400 fine, with no part of the fine suspended.

SECOND: Mr. McClellan seconded the motion.

FURTHER DISCUSSION

ON THE MOTION: There was no further discussion on the motion.

VOTE: Mr. Snyder – Nay
Mr. Cline – Aye
Mr. McClellan – Aye

Aye – 2 Nay – 1
(Motion Passed)

12. Decision Required: Violation

RE: Sandra Cole, Bok S. Kim
& Soo H. Kim
For the use of MKAI, LLC
t/a **New Miyakos**
5500 Buckeystown Pike #860
Frederick, Maryland 21703
Class B, On Sale, Beer, Wine & Liquor
License Number 11BL 1621
FCLB Case Number: 3551

The Board held a violation hearing for Refilling Bottles and Keeping the Bottles on the Premises. A report was submitted by the Comptroller's Office. Mrs. Thall swore in the licensees (See attached Sign In Sheet). The licensees pled guilty to both charges. Chris May, Attorney for the licensees, stated that the licensees should have been aware of this law and that the Licensees did not intentionally violate the law.

MOTION ONE: Mr. Cline made a motion for a guilty finding with a fine of \$100 for the first violation and \$200 for second violation.

SECOND: Mr. Snyder seconded the motion.

FURTHER DISCUSSION

ON THE MOTION: There was no further discussion on the motion.

VOTE: Mr. Cline-Aye
Mr. Snyder – Aye
Mr. McClellan – Aye

The vote was unanimous. **Aye – 3 Nay – 0**
(Motion Passed)

13. Decision Required: Violation

RE: Lawrence Shriner & Donald
Briggs
For the use of KLBD, LLLP
t/a **One More Tavern & Catering**
135 Chesapeake Avenue
Emmitsburg, Maryland 21727
Class B, On Sale, Beer & Light Wine

License Number 11BW 1172
FCLB Case Number: 3623

The Board held a violation hearing for Drinking while on Duty and Being Intoxicated While on Duty. Mrs. Thall swore in the licensees (See attached Sign In Sheet). Mr. Shriner pled guilty to both charges. There is a police report filed regarding the incident.

MOTION ONE: Mr. Snyder made a motion for a guilty finding on both counts and a fine of \$400 on each charge and a thirty days suspension if it happens again while Mr. Shriner is on the license.

SECOND: Mr. Cline seconded the motion.

FURTHER DISCUSSION

ON THE MOTION: There was no further discussion on the motion.

VOTE: Mr. Snyder – Aye
Mr. Cline-Aye
Mr. McClellan – Aye

The vote was unanimous. **Aye – 3 Nay – 0**
(Motion Passed)

14. Decision Required: Violation

RE: William Cullum, Gaither Draper,
Whang Shin & Won Yu
for the use of Dansam Development, Inc
t/a **PB Dye Golf Club**
9526 Doctor Perry Road
Ijamsville, Maryland 21754
Class C, On Sale, Beer, Wine & Liquor
License Number 11CL 1085
FCLB Case Number: 3552

The Board held a violation hearing for Offering Free Alcohol. Mrs. Thall swore in the licensees (See attached Sign In Sheet). The licensees pled guilty to the charge.

MOTION ONE: Mr. Cline made a motion for a \$400 fine.

SECOND: Mr. Snyder seconded the motion.

FURTHER DISCUSSION

ON THE MOTION: There was no further discussion on the motion.

VOTE: Mr. Cline – Aye
Mr. Snyder-Aye
Mr. McClellan – Aye

The vote was unanimous. **Aye – 3 Nay – 0**
(Motion Passed)

15. **Sheetz/Frederick** – This establishment requested that this violation hearing be continued. The hearing will be rescheduled.
16. Decision Required: Violation

RE: Meseret Befekadu & Nuru
Befekadu
For the use of Tajitu Ethiopian
Restaurant, LLc
t/a **Tajitu Ethiopian Restaurant**
7 E. Patrick Street
Frederick, Maryland 21701
Class B, On Sale, Beer, Wine & Liquor
License Number 11BL 1262
FCLB Case Number: 3381

The Board held a violation hearing for Failing to Adhere to the Hours of Operation and Failing to Notify the Board of the Change of Hours and Failing to Appear. Mrs. Thall swore in the licensees (See attached Sign In Sheet). The licensees pled guilty with explanation to the charges.

MOTION ONE: Mr. Snyder made a motion for a guilty finding with a suspended \$100 fine for Failing to Adhere to the Hours of Operation and Not Notifying the Board of the Change in Hours and a fine of \$400 for Failing to Appear.

SECOND: Mr. Cline seconded Mr. Snyder's amendment.

FURTHER DISCUSSION

ON THE MOTION: There was no further discussion on the motion.

VOTE: Mr. Snyder – Aye
Mr. Cline-Aye

Mr. McClellan – Aye

The vote was unanimous. **Aye – 3 Nay – 0**
(Motion Passed)

17. The legal address for Mrs. Befekadu currently is the 9 E. Patrick St. address, although the licensee has indicated that she does intend to move back to her original address at 205 Upper College Terrace and will notify the Board.
18. Decision Required: Approval of the Public Meeting Minutes for September 14, 2009.

The Public Meeting Minutes of September 14, 2009 were approved.

MOTION: Mr. Snyder made a motion to approve the minutes for September 14, 2009.

SECOND: Mr. Cline seconded the motion.

FURTHER DISCUSSION

ON THE MOTION: There was no further discussion on the motion.

VOTE: Mr. Snyder – Aye
Mr. Cline-Aye
Mr. McClellan-Aye

The vote was unanimous. **Aye – 3 Nay – 0**
(Motion Passed)

19. **Fee Increases Continued** – Mr. Cline was concerned with the economy and did not want to raise the fees. Mr. Snyder felt they should be increased and the proposal sent forward.

MOTION: Mr. Snyder made a motion to adopt the proposal.

SECOND: Mr. McClellan seconded the motion.

FURTHER DISCUSSION

ON THE MOTION: There was no further discussion on the motion.

VOTE: Mr. Snyder – Aye
Mr. McClellan-Aye
Mr. Cline-Nay

Aye – 2 Nay – 1
(Motion Passed)

ADJOURN

The meeting was adjourned at 10:23 am.

Respectfully submitted,

Kathy Vahle, Administrator
FREDERICK COUNTY LIQUOR BOARD

Prepared by Sandra Rees